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Feds put off decision on Texas hornshell's status

By Daniel J. Chacón | The New Mexican

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The U.S. Fish and Wildlife Service delayed a decision Thursday on whether to add the last remaining native mussel in New Mexico to the endangered species list, raising concerns about its future amid efforts in Congress to reform the Endangered Species Act.

The Texas hornshell is believed to be the first species in New Mexico to face a listing decision by the administration of President Donald Trump, who has been generally hostile to environmental regulations.

A listing under the Endangered Species Act for the Texas hornshell, which also is found in Texas and Mexico, could lead to federal protection of its habitat and would require the Fish and Wildlife Service to develop a recovery plan for the mussel.

According to the New Mexico Department of Game and Fish, the mussel is native to the Pecos River and Rio Grande drainages but is now confirmed in New Mexico only in the Black River of Eddy County in the far southeast part of the state. The Texas hornshell has been listed as an endangered species by the state since 1983.

The Fish and Wildlife Service announced it was delaying a listing decision on the Texas hornshell for six months and would reopen the comment period for an additional 30 days.

Since the agency published a proposed rule in August 2016 to list the Texas hornshell as an endangered species, "there has been substantial disagreement regarding the interpretation of the limited surveys that exist for Texas hornshell in Mexico," according to the Fish and

Wildlife Service. “This situation has led to a significant disagreement regarding the current conservation status of the species in Mexico.”

Efforts to place the Texas hornshell on the endangered species list have generated resistance, including from New Mexico Land Commissioner Aubrey Dunn and a top Texas official.

In a letter to the Fish and Wildlife Service, Dunn said he believes a June 2016 assessment on the Texas hornshell “is scientifically inadequate to support a determination that a listing is warranted.”

“At a minimum, the deadline for a final rule should be extended for six months … for purposes of soliciting additional data about the status of the populations in Mexico and full consideration of conservation efforts,” Dunn wrote.

The office of the Texas comptroller of public accounts, which oversees a task force on economic development and endangered species, told the Fish and Wildlife Service that limited information exists about the Texas hornshell and that a listing decision could have economic impacts.

“In this case, the Texas hornshell occurs in a region with significant economic activity that could be restricted if the species is listed,” the office said.

Officials with the New Mexico Department of Game and Fish did not return messages seeking comment on whether they support the endangered species designation or what conservation efforts could look like and how they might affect the public. Department Director Alexandra Sandoval wrote in a letter to the Fish and Wildlife Service in June that “some significant progress in Texas hornshell conservation” has been observed.

“This new information is critical for making an informed decision on the listing status of Texas Hornshell,” she wrote. “Our results indicate that conservation efforts among private and governmental organizations are attaining significant conservation value.”

Michael Robinson, conservation advocate for the Center for Biological Diversity in Silver City, called the Texas hornshell “a creature for which time is not on its side.”

Congressional Republicans are pushing legislation to overhaul the Endangered Species Act amid complaints that the law hinders drilling, logging and other activities.

House Natural Resources Chairman Rob Bishop, R-Utah, has said the bills would curb excessive litigation and allow officials to focus on species conservation.

All too often, the endangered species law "has been misused to control land, block a host of economic activities important for jobs … proliferate costly litigation that drains taxpayer resources away from actual conservation efforts," Bishop said.

Robinson voiced concerns about the future of endangered species under Trump.

"In the past, there have been administrations in both parties that have not put species on the endangered species list because of political controversy, and our organization has successfully sued the Fish and Wildlife Service many, many times to ensure that species that need it are actually protected," he said.

"We certainly would hope we wouldn't have to go to court in this instance," Robinson added. "But we realize there are people that the Trump administration has appointed who have been actively and openly hostile to protection of endangered species."

Former Santa Fe Mayor David Coss, chairman of the executive committee of the Rio Grande Chapter of the Sierra Club, said he wasn't familiar with the Texas hornshell, but he said the future of the Endangered Species Act is in danger under Trump.

"We don't expect any support at all from Trump for endangered species," he said.

The Associated Press contributed to this report.

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